

DOCKET FILE COPY ORIGINAL

BEFORE THE

**FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

**RECEIVED**

JAN - 9 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

Pertaining to

Commercial Mobile Radio Service

)  
)  
)  
)  
)  
)  
)

CC Docket No. 95-116

To: The Commission

**COMMENTS**

Dated: January 9, 1998

No. of Copies rec'd  
List A B C D E

024

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

<b>In the Matter of</b>	)	
	)	
<b>Telephone Number Portability</b>	)	
<b>Pertaining to</b>	)	<b>CC Docket No. 95-116</b>
<b>Commercial Mobile Radio Service</b>	)	
	)	
	)	
	)	

**To: The Commission**

**COMMENTS**

In response to the invitation of the Federal Communications Commission (“FCC”) in its Public Notice released on December 9, 1997 in the above-captioned matter, Mobex Communications, Inc. (“Mobex”) hereby respectfully submits its Comments concerning the implementation schedule for wireless number portability.

## **I. BACKGROUND**

1. Mobex is a provider of primarily dispatch radio service utilizing SMR and related authorizations granted by the Commission. Mobex currently serves customers who are located in more than one dozen states. Along with its site-specific SMR licenses, Mobex holds both geographic area (e.g., auction) licenses and extended implementation licenses. Although most of its customers utilize only dispatch service, a small but important segment of this customer base desire the ability to interconnect to the Public Switched Telephone Network ("PSTN"). Therefore, Mobex is keenly interested in the outcome of the Commission proceedings that will determine the burdens to be imposed upon local, primarily-dispatch operators such as Mobex.

2. Specifically, the Commission has proposed or adopted several requirements for "covered" SMR providers which it does not impose upon other SMR providers. One of these requirements, Emergency 911 service, was recently revised by the Commission so that the definition of "covered" SMR providers excludes SMR carriers whose equipment is not technically capable of meeting those requirements. Memorandum Opinion and Order ("MO&O"), CC Docket No. 94-102 (released December 23, 1997) at ¶ 76. However, the former definition of "covered" continues to apply to the other four requirements which pertain to covered SMR providers, namely: (1) RF radiation requirements; (2) resale agreements; (3) number portability; and (4) roaming mandates.

3. As noted above, the original definition of covered SMR providers includes all those providers who are interconnected to the PSTN and offer for-profit service utilizing either auction licenses or extended implementation licenses. Under the FCC's current rules for number portability, all cellular, broadband PCS, and covered SMR carriers must be capable of querying appropriate number portability database systems in order to deliver calls from their networks to ported numbers anywhere in the country by December 31, 1998. First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8439 at ¶ 165, CC Docket No. 95-116 (1996), *recon pending*, ("Order"). In addition, cellular, broadband PCS and covered SMR carriers must offer service provider portability throughout their networks, including the ability to support roaming, by June 30, 1999.<sup>1</sup> Order at ¶ 166. The Commission has delegated to the Wireless Telecommunications Bureau the authority to extend the deadline for these requirements, but limited any extension to a period not to exceed nine months.

4. On November 24, 1997, the Cellular Telecommunications Industry Association ("CTIA") filed a petition seeking a waiver of the implementation schedule

---

<sup>1</sup> In the case of roaming requirements, the FCC's original definition of covered SMR providers also remains intact. This means that, since October 26, 1996, covered SMR providers have been required to support manual roaming. The Commission is also considering whether or not to require automatic roaming. In 1996, the FCC issued a Third Notice of Proposed Rule Making in the roaming proceeding, CC Docket No. 94-54, in which the Commission asked for comment on whether to require automatic roaming, which occurs when a subscriber simply activates the handset. The FCC proposed that carriers be required to enter into roaming agreements with one another to permit such automatic roaming.

for wireless number portability requirements. In its petition, CTIA notes that wireless carriers face significant technical burdens in updating their networks to meet the number portability requirements. CTIA therefore believes that the FCC should extend the effective dates of the implementation schedule by nine months, from June 30, 1999 to March 31, 2000.

## **II. COMMENTS**

5. Mobex supports CTIA's request for an extension of time in which to meet the implementation deadline. In light of the complexity of developing a database and installing equipment which is capable of meeting the number portability requirements, a nine month extension appears to be a reasonable request.

6. More fundamentally, however, Mobex urges the Commission to standardize the covered SMR definition used in this proceeding, as well as the roaming and other proceedings which involve this definition, so that it reflects the definition recently adopted by the Commission in its MO&O in the E-911 proceeding. Specifically, the Commission recognized in its E-911 proceeding that "a distinction was warranted between SMR providers that will compete directly with cellular and PCS providers, and SMR providers that offer mainly dispatch services in a localized non-cellular system configuration." MO&O at ¶ 75. By revising its covered SMR definition in this and all other proceedings so that it uniformly reflects the definition adopted in the E-911

proceeding, the Commission will enable SMR operators like Mobex who are primarily dispatch service providers to interconnect their facilities to the PSTN without attempting to meet technical requirements which they simply cannot satisfy. Most notably, number portability and automatic roaming are not attainable utilizing Mobex's current SMR equipment and system configuration.

7. As the Commission noted in its E-911 proceeding, "interconnected SMR users or dispatch systems are often not assigned individual telephone numbers and must share phone lines with other customers". MO&O at ¶ 77. The traditional SMR configuration renders both number portability and automatic roaming impossible tasks for traditional SMR operators. Only cellular-type SMR configurations assign individual telephone numbers to handsets. The majority of SMR handsets do not provide interconnected service, and those that are interconnected on traditional SMR systems typically share a limited supply of telephone numbers assigned to the SMR provider.

8. Moreover, most traditional SMR systems operate without an in-network switch. Yet, such an in-network switch is necessary to perform the database queries required by the FCC's number portability mandates. Thus, the Commission's original definition of covered SMR providers ignores the significant differences between SMR providers who serve traditional business customers, and have no in-network switch or seamless hand-off capability, and those few SMR providers who target residential

customers and have built cellular-like configurations. The FCC's recently revised covered SMR definition in the E-911 proceeding rectifies this oversight.

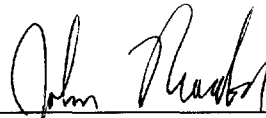
9. In that E-911 proceeding, the Commission also observed that routing of calls is "complicated by the fact that most dispatch-oriented systems use single, high power sites". MO&O at ¶ 77. This means that, unlike in a cellular configuration, a normal SMR environment would not be conducive to the routing functions necessary to achieve the FCC's number portability requirements.

10. Mobex urges the FCC to narrow the definition of covered SMR providers so that it includes only those systems that will directly compete with cellular and PCS in providing comparable interconnected service. In its Second Report and Order and Third Notice of Proposed Rulemaking ("Order"), CC Docket No. 94-54 (released August 15, 1996) in the roaming proceeding, the Commission observed that "because they do not compete substantially with cellular and broadband PCS providers, local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration. . . are not covered by the roaming rule we adopt today." Order at 14. Nonetheless, the FCC's covered SMR definition does include the very providers which the FCC meant to exclude from the roaming rule. This same inappropriate definition has been adopted in the number portability context. Thus, Mobex urges the FCC to remedy this situation by applying its covered SMR requirements only to those SMR providers who are capable of competing directly against cellular and PCS providers.

11. As the Commission observed in its E-911 MO&O, only those SMR providers that have systems with in-network switching capabilities which permit seamless call hand-offs can compete directly against cellular and PCS providers. MO&O at ¶ 78. Mobex urges the FCC to limit all covered SMR requirements to that narrow class of SMR operators, rather than impose onerous mandates on SMR providers with traditional SMR system configurations.

**WHEREFORE, THE PREMISES CONSIDERED,** Mobex Communications, Inc. respectfully requests the Federal Communications Commission to revise its definition of covered SMR providers so that it is consistent with the standard recently adopted by the FCC in its E-911 proceeding.

**MOBEX COMMUNICATIONS, INC.**

By:   
John Reardon  
Mobex Communications, Inc.  
1150 18<sup>th</sup> Street, N.W.  
Suite 250  
Washington, D.C. 20036  
(202) 861-3400

Dated: January 9, 1998



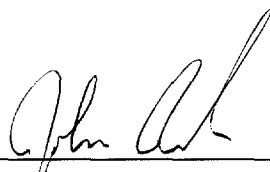
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing COMMENTS was served this 9<sup>th</sup> day  
of January, 1998 by hand delivery to:

Janice M. Jamison  
Policy & Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2100 M Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20554

and:

International Transcription Service  
1231 20<sup>th</sup> Street, N.W.  
Washington, DC 20036

By:   
John Reardon